

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DANNY L. WALKINGSTICK,)
WHITNYE A. FORT, on behalf of the)
themselves and all other similarly)
situated,)
)
Plaintiffs,)
)
v.)
)
SIMMONS BANK,)
)
Defendant.)

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiffs, Danny L. Walkingstick and Whitnye A. Fort, under Federal Rule of Civil Procedure 23(e)(1), hereby move the Court for entry of the tendered Preliminary Approval Order, which:

1. Preliminarily approves the class action Settlement Agreement and Release (the “Settlement”, which is attached as Exhibit 1 to the Declaration of Lynn A. Toops in Support of the Unopposed Motion for Preliminary Approval of Class Action Settlement);
2. Certificates the settlement Class, appoints Plaintiffs as Class Representatives, and appoints Plaintiffs’ counsel as Class Counsel;
3. Approves the proposed notice plan and deadlines for Class Members to object to or opt-out of the proposed Settlement; and

4. Schedules a final approval hearing for a date approximately 120 days after preliminary approval, or as soon thereafter as the Court's schedule permits, as set forth in this table of proposed deadlines:

PROPOSED APPROVAL TIMELINE

Event	Time for Compliance
Deadline for Defendant to provide the Class List to the Settlement Administrator	10 days after entry of the Preliminary Approval Order
Deadline for Settlement Administrator to E-mail and Mail Notice ("Notice Deadline")	45 days after entry of the Preliminary Approval Order
Deadline for any motions requesting attorneys' fees, expenses, and service awards	15 days before the Objection Deadline
Deadline for Class Members to object	45 days after the Notice Deadline
Deadline for members the Class to opt-out ("Objection Deadline")	45 days after the Notice Deadline
Deadline for Motion for Final Approval of Class Action Settlement	14 days before the Final Approval Hearing
Final Approval Hearing	Approximately 120 days after entry of the Preliminary Approval Order or as soon thereafter as the Court's schedule permits

This motion is made on the grounds that the Settlement is the product of arm's-length negotiations by informed counsel and is a fair, reasonable, and adequate compromise of the claims brought in this case. Class Counsel met and conferred with

counsel for Defendant about this motion, and Defendant does not oppose the relief requested by this motion.

Dated: May 9, 2022

Respectfully submitted,

s/ Lynn A. Toops

Lynn A. Toops*
Vess A. Miller*
Lisa M. La Fornara*
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, Indiana 46204
T: (317) 636-6481
ltoops@cohenandmalad.com
vmiller@cohenandmalad.com
llafornara@cohenandmalad.com

Ashlea G. Schwarz, Mo. Bar 60104
601 Walnut Street, Suite 300
Kansas City, Missouri 64106
T: (816) 984-8100
Ashlea@PaulLLP.com

Christopher D. Jennings*
JOHNSON FIRM
610 President Clinton Avenue, Ste. 300
Little Rock, Arkansas 72201
T: (501) 372-1300
chris@yourattorney.com

J. Gerard Stranch, IV*
Anthony Orlandi*
Martin F. Schubert*
BRANSTETTER, STRANCH
& JENNINGS, PLLC
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203
T: (615) 254-8801
gerards@bsjfirm.com
aorlandi@bsjfirm.com
martys@bsjfirm.com

Jeffrey D. Kaliel*
Sophia Goren Gold*
KALIELGOLD PLLC
1100 15th Street NW, 4th Floor
Washington, DC 20005
T: (202) 350-4783
jkaliel@kalielpllc.com
sgold@kalielgold.com

*Admitted *pro hac vice*

Attorneys for Plaintiff and the Proposed Class

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on the following parties by the Court's ECF system on May 9, 2022:

Jason C. Smith
Rodney H. Nichols
SPENCER FANE LLP
2144 E. Republic Road, Suite B300
Springfield, MO 65804
jcsmit@spencerfane.com
rnickols@spencerfane.com

Debra Bogo-Ernst
Lucy L. Holifield
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
dernst@mayerbrown.com
lholifield@mayerbrown.com

s/Lynn A. Toops

Lynn A. Toops Case